



11/16/2002 10:51:51 AM

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PATENT  
ATTORNEY DOCKET NO.: 044574-5098-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dario C. ALTIERI *et al.*

Application No.: 10/042,302

Filed: January 11, 2002

For: DETECTION OF SURVIVIN IN THE BIOLOGICAL  
FLUIDS OF CANCER PATIENTS

Group Art Unit: 1636

Examiner: not yet assigned

Commissioner of Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed February 12, 2002. A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney for each inventor. Please note that inventor Shannon D. Smith is deceased. Her Declaration was executed by the executor of her estate, Victor A. Morris.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

4. Small Entity Status

- ☒ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

05/15/2002 RHEBRAHT 00000115 500310 10042302

05 FC:215 55.00 CH

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: **\$55.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicant believes that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicant hereby petitions for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Fee Calculation

Basic Fee				\$370.00
	Number Filed	Number Extra	at a Rate of (Lg /Sm Entity)	
Total Claims	31 - 20 =	11	\$18/\$9 each=	\$99.00
Independent Claims	5 - 3 =	2	\$84/\$42 each=	\$84.00
Multiple dependent claim(s), if any			\$280/\$140	\$
SUB-TOTAL =				\$553.00
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))		\$130/\$65		\$65.00
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))			\$110/\$55 (1 Month)	\$55.00
			\$400/\$200 (2 Months)	
			\$920/\$460 (3 Months)	
			\$1440/\$720 (4 Months)	
			\$1960/\$980 (5 Months)	
SUB-TOTAL =				\$673.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))		\$130.00		\$
TOTAL FILING FEE =				\$673.00

7. Fee Payment

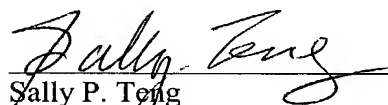
- ☒ The Commissioner is hereby authorized to charge \$673.00 (\$370.00 – filing fee, \$183.00 – excess claims, \$65.00 – Missing Parts surcharge and \$55.00 – 1 month Extension of Time) to Deposit Account 50-0310.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☒ Submission of Formal Drawings with 4 sheets of drawings
- ☐ Claim for Priority
- ☐ Certified copy(ies) of priority document(s): . . . . .
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other: . . . . .

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
Sally P. Teng  
Reg. No. 45,397

Date: May 13, 2002

**CUSTOMER NO. 09629**  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D C 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/042,302	01/11/2002	Dario C Altieri	044574-5098-US

CONFIRMATION NO. 5541

## FORMALITIES LETTER



\*OC000000007465821\*

MORGAN, LEWIS & BOCKIUS LLP  
1800 M Street, N.W.  
Washington, DC 20036

Date Mailed: 02/12/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$183.
  - \$99 for 11 total claims over 20.
  - \$84 for 2 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 618.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable, (see 37 CFR 1.84(e));

05/15/2002 RHEBRAHT 00000115 500310 10042302

01 FC:201	370.00 CH
02 FC:205	65.00 CH
03 FC:203	99.00 CH
04 FC:202	84.00 CH

*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE